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November 17, 2011

### **BY ECF FILING**

Magistrate Judge Robert M. Levy  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: State Farm v. McGee, et al., 1:10-cv-03848-ILG-RML**

Dear Judge Levy:

I am responding to the letter motion by Plaintiff State Farm's Attorneys dated November 16, 2011.

The court is aware that our firm wanted to withdraw as counsel for Alternative Program Queens Division, Inc., Executive Corp., Sion Marketing, Inc., and London Billing and Collections, Inc., Semen Ilyaich, Sofiya Babadzhanova a/k/a/ Sofiya Ilyaich, and Mikhail Ilyaich a/k/a Michael Ilyaich at the end of September 2011. Your honor responded by advising us that we were required to proceed under Local Civil Rule 1.4. About the same time our firm contacted Plaintiffs' counsel and discussed parameters to

settle the matter. We were unable to come to any agreement with Plaintiff's counsel at that time.

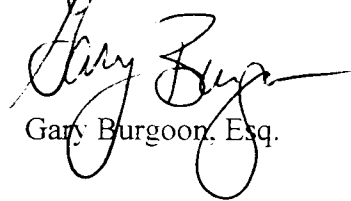
We also contacted our clients during this period and informed them of your Honor's response to our letter to you. Our clients then responded that they wished to have us continue representation but under limited financial circumstances. Last Thursday, I communicated with Plaintiff's counsel regarding outstanding discovery issues. I told counsel that I was in the middle of motion practice and that I would talk to her on Monday November 14, 2011. (Our law firm only consists of three attorneys now after the litigating attorneys left the firm recently and I am the only attorney who can handle all of the motion practice and court appearances which has been significant recently). I expressed that I thought that I could have something for her by Friday November 18, 2011. I had spoken to the clients on Tuesday and then faxed a letter to them requesting the information in the interrogatory served by Plaintiff's counsel on our clients. I am awaiting their response. Yesterday, I received an e-mail from Plaintiffs' counsel yesterday which basically gave us an ultimatum to respond immediately. Before I could even respond, I noticed another e-mail from the court which was the present motion letter from the Plaintiffs' counsel.

I realize that there has been some delay in completing the discovery in this case and that it is the obligation of our clients to comply with the discovery requests to the best of their ability. We have already chronicled the problems with our clients but we have informed them that we will not stand for any more problems with them and I think that going forward we can comply quickly with the outstanding issues. It is worth noting that we had already given Plaintiffs' counsel all of the financial documents that the accountants of our clients had in their possession. The remaining discovery issues can be

taken care of at a quickened pace. I ask the court to allow us a little more time to comply with the discovery requests of Plaintiffs' counsel.

Finally, I wish to apologize to the court for our non-appearance before the court on September 21, 2011. Apparently, the date was not calendared in our system.

Yours,

A handwritten signature in black ink, appearing to read "Gary Burgoon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gary Burgoon, Esq.